IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 26600 of 2003(N)

PETITIONER:

PENNA KRISHNAN, S/O.AYICHAN, AGED 42
YEARS, KOLI KUTTAPARAMBU, ALAKODE AMSOM,
TALIPARAMBA DESOM, KANNUR (DISTRICT).

BY ADV. SRI.O.V.MANIPRASAD

RESPONDENTS:
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1. JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), KANNUR.

2. TALIPARAMBA CO-OPERATIVE HOUSE BUILDING
SOCIETY LTD.NO.C 340, TALIPARAMBA (P.O),
KANNUR (DISTRICT), REPRESENTED BY ITS
SECRETARY.

BY ADV. SRI.MOHAMMED RAFIQ

GOVT.PLEADER SRI.BASANT BALAJI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1: TRUE COPY OF THE ARBITRATION PETITION IN ARC 381/01.

EXT.P2 : TRUE COPY OF THE PETITION DT. 27.2.2003 TO SET ASIDE THE EX PARTE ORDER.

EXT.P3 : TRUE COPY OF THE LETTER NO.1552/03/AEL/L DIS. DT. 5.4.2003 BY THE FIRST RESPONDENT.

TGS

KURIAN JOSEPH, J.

W.P.(C) No.26600 of 2003

Dated 16th March, 2007.

J U D G M E N T

Petitioner is aggrieved by Ext.P3 whereby the Arbitrator refused to entertain the application for setting aside the ex parte award passed in A.R.C.381/01. There is no counter affidavit. After having heard counsel on both sides, I am of the view that it is only in the interests of justice that the petitioner is given an opportunity to contest the matter on merits. I quash Ext.P3 with a direction to the first respondent to see that the petitioner is permitted to contest the matter on merits. The needful in this regard shall be done within a period of two months from the date of production of a copy of the judgment, with notice to the petitioner and the second respondent. It is made clear that the judgment will not stand in the way of the petitioner, if so advised, approaching the second respondent for the benefit of one time settlement scheme.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 16th March, 2007.